

FIFTH DAY.

(Monday, January 27, 1930.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called, and the following members were present:

Mr. Speaker.	Keeton.
Acker.	Keller.
Ackerman.	Kemble.
Adkins.	Kennedy.
Albritton.	Kincaid.
Allred.	King.
Avis.	Lee.
Baker.	Long of Houston.
Baldwin.	Loy.
Barnett.	Magee.
Bateman.	Mankin.
Beck.	Marks.
Bond.	Mauritz.
Bounds.	Maynard.
Bradley.	McCombs.
Brice.	McDonald.
Brooks.	McGill.
Carpenter.	Mehl.
Chastain.	Metcalfe.
Coltrin.	Moore.
Conway.	Morse.
Cox of Lamar.	Mullally.
Cox of Limestone.	Murphy.
Davis.	Negley.
DeWolfe.	Nicholson.
Dunlap.	Olsen.
Enderby.	O'Neill.
Farrar.	Palmer.
Forbes.	Patterson.
Fuchs.	Pavlica.
Gates.	Petsch.
Gilbert.	Pool.
Giles.	Pope of Nueces.
Graves	Prendergast.
of Williamson.	Purl.
Graves of Erath.	Quinn.
Hardy.	Ray.
Harding.	Reader.
Harman.	Reid.
Harper.	Renfro.
Harrison.	Richardson.
Heaton.	Riley.
Hefley.	Rogers.
Hines.	Rountree.
Holder.	Sanders.
Hopkins.	Savage.
Hornaday.	Shaver.
Hubbard.	Shelton.
Johnson	Sherrill.
of Dallam.	Simmons.
Johnson	Sinks.
of Dimmit.	Stephens.
Johnson of Smith.	Storey.
Johnson of Scurry.	Tarwater.
Jones.	Van Zandt.
Justiss.	Veatch.
Kayton.	Wallace.

Walters.
Warwick.
Webb.
West.
Wiggs.
Williams
of Sabine.

Williams
of Hardin.
Williams
of Travis.
Young.

Absent.

Duvall.
Eickenroht.
Kinnear.
Lemens.
Long of Wichita.

Minor.
Montgomery.
Tillotson.
Waddell.

Absent—Excused.

Anderson.
Ewing.
Finn.
Finlay.
Hogg.
Jenkins.
Kenyon.
Land.
Martin.
McKean.

Mosely.
Pope of Jones.
Snelgrove.
Speck.
Stevenson.
Strong.
Thompson.
Turner.
Westbrook.
Woodruff.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Hogg and Mr. Thompson for today, on motion of Mr. Morse.

Mr. Anderson for today, on motion of Mr. Kayton.

Mr. Woodruff for today, on motion of Mr. DeWolfe.

Mr. Martin for today, on motion of Mr. Baldwin.

Mr. Speck for today, on motion of Mr. Brooks.

Mr. Mosely for today, on motion of Mr. Heaton.

Mr. Finlay for today, on motion of Mr. Lee.

Mr. Duvall for today, on motion of Mr. Patterson.

Mr. Westbrook for today, on motion of Mr. Baldwin.

Mr. Stevenson for today, on motion of Mr. Mankin.

Mr. Turner for today, on motion of Mr. Murphy.

The following members were granted leaves of absence on account of illness:

Mr. Jenkins for today and the balance of the week, on motion of Mr. Ackerman.

Mr. Pope of Jones for last week, to-

day and indefinitely, on motion of Mr. McGill.

Mr. Finn for today on account of an injury, on motion of Mr. Sherrill.

Mr. Snelgrove for today and the balance of the week, on motion of Mr. Keller.

Mr. McKean for last week and this week, on motion of Mr. Shelton.

Mr. Land for today, on motion of Mr. Harman.

Mr. Kenyon for today and the balance of the week, on motion of Mrs. Moore.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Long of Wichita:

H. B. No. 6, A bill to be entitled, "An Act relating to the conservation of oil and gas; authorizing agreements for the co-operative or unit development and operation of an oil and gas pool or likely pool, and providing that when approved by the Railroad Commission any such agreement and the carrying out of same shall not be held to violate any laws prohibiting or relating to trusts, monopolies or conspiracies in restraint of trade; and declaring an emergency."

Referred to Committee on Oil, Gas and Mining.

By Mr. Long of Wichita, Mr. Cox of Limestone, Mr. Kennedy, Mr. Albritton, Mr. Avis and Mr. Veatch:

H. B. No. 7, A bill to be entitled "An Act to repeal Chapter 95, Acts of the First Called Session of the Forty-first Legislature, 1929, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Keller:

H. B. No. 8, A bill to be entitled "An Act providing for the relocation and rebuilding and renovating of the Texas prison system; providing for Headquarters Division, Camp No. 1, Camp No. 2, Camp No. 3, and Camp No. 4; providing for certain classes of inmates and duties of each camp; prescribing that such work shall be carried on under the supervision of the Texas Prison Board and prescribing their duties connected with such work and the manner in which such work should be done; providing for manufacturing, canning and slaughtering in such system;

providing for the purchase and sale of certain lands; creating certain new departments in the penitentiary system; providing for leveeing of certain penitentiary lands with prison labor," etc.

Referred to Committee on Penitentiary.

COMMITTEE CLERKS APPOINTED.

The Speaker announced the appointment of the following committee clerks:

Charles McDougal,
W. D. Lavender.

TO EXPRESS SENTIMENT IN REGARD TO SUBJECTS CONSIDERED THIS SESSION.

Mr. Bond offered the following resolution:

Whereas, The Forty-first Legislature was in session sixty (60) days in regular session, followed by First, Second and Third Called Sessions, consuming much time and expense to the members, as well as entailing much expense to the taxpayers of the State;

Whereas, There was considered and full opportunity to consider much legislation for the good of Texas and its institutions during the foregoing sessions;

Whereas, The Governor of Texas has seen fit to reassemble the Forty-first Legislature in this Fourth Called Session for the purpose of considering the reports of committees looking to the improvement of our penitentiary system and the fee system of county officers; therefore, be it

Resolved by the House of Representatives, That it is the sentiment of the House that no other legislation will be considered other than the two measures submitted by the Governor in his message, together with such matters as may be strictly local and that the Governor is respectfully requested not to submit any further measures or matters for our consideration unless they be strictly of local nature, until the above matters are disposed of; be it further

Resolved, That a full and complete consideration of the reports of the two committees, for which the Governor reassembled the Forty-first Legislature in Fourth Special Session, be pushed with dispatch and disposed of with due diligence within thirty (30) days or less, thereby resulting in saving the taxpayers of Texas much expense, as well as a saving to the members of the Legislature.

The resolution was read second time.

On motion of Mr. Keller, the resolution was tabled.

RELATIVE TO THE ERECTION OF STATE OFFICE BUILDINGS.

Mr. Ray offered the following resolution:

Whereas, An Attorney General's opinion in answer to request to Highway Commission of July, 1929, makes no reference whatever to construction of office building in Tyler, Texas; and

Whereas, The Highway Commission of the State of Texas has constructed an office building in the city of Tyler without having authority for doing the same by any existing law; and

Whereas, The precedent of commissions in constructing various buildings over Texas is likely to involve the State in expending enormous sums of money for purposes not anticipated by the Legislature or the taxpayers of Texas; and

Whereas, The policy for constructing buildings for various and sundry purposes could be indulged in by any department of the State that might deem it wise to do so; therefore, be it

Resolved by the House of Representatives of the State of Texas, That it be and, in fact, is the opinion of this body and the House of Representatives does hereby declare to be its opinion that the office building constructed by the Highway Commission and paid for out of highway funds in Tyler was constructed by the Highway Commission without authority by any existing law; and be it further

Resolved, That the House of Representatives of the State of Texas does so construe the meaning of the Attorney General's opinion rendered to the Highway Commission on request of the Highway Commission of 1929 to the effect that the Highway Commission has no authority of law cited by the Attorney General to contract for the construction of any building of any nature to be paid for out of the highway funds; and be it further

Resolved by the House of Representatives of the State of Texas, That all commissions and departments of State are hereby advised by the House of Representatives that in our opinion all buildings of any character whatever to be paid for out of State funds must be authorized by an act of the Legislature of the State of Texas and that no official or commission now existing in Texas has authority to construct State buildings unless authorized by an act of the Texas Legislature.

Signed—Ray, Coltrin.

The resolution was read second time.

Mr. Baldwin moved that the resolution be referred to the Committee on State Affairs.

Mr. Holder raised a point of order on further consideration of the resolution at this time on the ground that the time for the consideration of resolutions has expired.

The Speaker sustained the point of order.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, January 27, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed:

House concurrent resolution No. 2, Providing for the appointment of a joint committee of the House and Senate to investigate facts relative to the Travis County Courthouse site.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

INTRODUCTION OF CONFEDERATE VETERANS TO THE HOUSE.

Mr. Keller, by unanimous consent, offered the following resolution:

Whereas, There are now present at the bar of the House of Representatives about twenty-two of the young men of the '60s; and

Whereas, During the strife between the States these gallant young men, clad in the grey uniform of the Confederate States offered to lay down their lives for those principles so sacred to all of the Southland; and

Whereas, Due to their long service, it is a rare occasion to have these gentlemen with us; and

Whereas, We have in our own midst Judge Acker of Harris county, one of our own members and one of the associates of the gentlemen referred to herein; therefore, be it

Resolved by the House of Representatives, That Judge Acker of Harris county and a committee of seven members appointed by the Speaker of the House of Representatives be and are hereby requested to escort Capt. Gilland, B. G. Remington, H. M. Brown, J. W. Borden, Dock Burk, R. E. Stilingses, J. M. Harris, T. A. Calhoun, J. T. Williams, W. H. Therford, G. J. Hunter, W. T. Gustavis, M. D. McCarty, S. S. Groc, J. L. Wadkiss, Tom M. Darnell, J. L.

Tinsley, P. M. Brown, D. D. Page, C. C. Paten, M. W. Mitchell, T. C. Owens, A. J. Palchal, to the Speaker's stand for the purpose of having them introduced to the House of Representatives and for the purpose of having said gentlemen make a speech if they so desire; and for the purpose of giving the House of Representatives the opportunity and privilege of paying their highest regards and respects to these Confederate soldiers, whom have each done so much for Texas and the Southland.

Signed—Finn, Keller, Kemble, Morse, McCombs, Pool, Hubbard.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee to escort the visitors to the Speaker's stand:

Messrs. Acker, Ackerman, Purl, En-derby, Williams of Hardin and Keller.

The committee having performed their duty, Speaker Barron presented Hon. Walter C. Acker to the House, who addressed the House and introduced Mr. J. W. Borden to the House, who in turn introduced the Confederate veterans to the House of Representatives.

RELATIVE TO CERTAIN HIGHWAY BUILDING.

The Speaker laid before the House, as unfinished business, for consideration at this time, simple resolution, heretofore offered by Mr. Hornaday, relating to certain highway building at Tyler, the resolution having been read second time on last Thursday.

(Pending consideration of the resolution, Mr. Holder occupied the chair temporarily.)

Mr. Loy offered the following amendment to the resolution:

Amend resolution by eliminating the condemnation of the building just erected at Tyler from this resolution.

Mr. Johnson of Dimmit raised a point of order on further consideration of the amendment on the ground that the amendment is indefinite.

The Speaker sustained the point of order.

(Speaker in the chair.)

Mr. Loy offered the following amendment to the resolution:

Amend the resolution by striking out the first paragraph.

Mr. Sinks moved that the resolution be referred to the Committee on State Affairs.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—78.

Acker.	Mauritz.
Ackerman.	Maynard.
Adkins.	McCombs.
Allred.	McDonald.
Baldwin.	McGill.
Bateman.	Mehl.
Beck.	Metcalfe.
Bounds.	Moore.
Bradley.	Morse.
Carpenter.	Mullally.
Chastain.	Murphy.
Conway.	Nicholson.
Cox of Lamar.	Pavlica.
Cox of Limestone.	Petsch.
Farrar.	Pool.
Forbes.	Pope of Nueces.
Gates.	Prendergast.
Gilbert.	Purl.
Giles.	Reid.
Hardy.	Riley.
Harding.	Rogers.
Harman.	Rountree.
Harper.	Sanders.
Hefley.	Savage.
Hines.	Shaver.
Hopkins.	Sherrill.
Hubbard.	Simmons.
Johnson	Sinks.
of Dimmit.	Tarwater.
Johnson of Smith.	Van Zandt.
Johnson of Scurry.	Veatch.
Jones.	Wallace.
Justiss.	Walters.
Kayton.	Warwick.
Keller.	West.
Kemble.	Williams
Lee.	of Sabine.
Long of Houston.	Williams
Magee.	of Hardin.
Mankin.	Young.
Marks.	

Nays—26.

Albritton.	Kincaid.
Barnett.	King.
Bond.	Loy.
Brice.	Negley.
Brooks.	Olsen.
Davis.	Quinn.
DeWolfe.	Ray.
Graves	Reader.
of Williamson.	Renfro.
Graves of Erath.	Shelton.
Harrison.	Stephens.
Holder.	Webb.
Hornaday.	Wiggs.
Kennedy.	

Present—Not Voting.

Richardson.

Absent.

Avis.	Lemens.
Baker.	Long of Wichita.
Coltrin.	Minor.
Dunlap.	Montgomery.
Duvall.	O'Neill.
Enderby.	Palmer.
Eickenroht.	Patterson.
Fuchs.	Storey.
Heaton.	Tillotson.
Johnson	Waddell.
of Dallam.	Williams
Keeton.	of Travis.
Kinnear.	

Absent—Excused.

Anderson.	Mosely.
Ewing.	Pope of Jones.
Finn.	Snelgrove.
Finlay.	Speck.
Hogg.	Stevenson.
Jenkins.	Strong.
Kenyon.	Thompson.
Land.	Turner.
Martin.	Westbrook.
McKean.	Woodruff.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, January 27, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has, in accordance with the provisions of House concurrent resolution No. 2, appointed the following as a committee on the part of the Senate:

Senators Hornsby, Woodward and Martin.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

Senate concurrent resolution No. 2, Requesting the Governor to submit subject of summer school appropriation.

House concurrent resolution No. 5, Relative to the erection of certain bridges over Red River.

EXPRESSING GRATITUDE TO BRIGADIER GENERAL WOLTERS.

Mr. Chastain offered the following resolution:

H. C. R. No. 12, Expressing gratitude to Brigadier General Wolters.

Whereas, Military service in time of war, when emotions of patriotism are fully aroused, has always been heralded in song and story; and

Whereas, Military service in times of peace is no less necessary and difficult, but is often devoid of glory and praise; and

Whereas, Jacob F. Wolters, a veteran of the Spanish-American War in 1918, after the National Guard of Texas had been drafted into the army of the United States for service in the World War, gave his services patriotically and without stint to the organization and training of a brigade of Texas cavalry with the expectancy that such organization would also be drafted into Federal service, and since the signing of the armistice has continued to command and maintain the training and efficiency of this brigade; and

Whereas, Brigadier General Wolters has been called into the military service of the State of Texas on several occasions, when such service was both burdensome and unpopular; namely, ordered by Governor W. P. Hobby, in 1919, to Corpus Christi following the great flood there; and again, in 1920, ordered by Governor Hobby to Galveston to maintain peace and order during the longshoremen's strike; and again, in 1922, ordered by Governor Pat M. Neff to Mexia to combat the lawlessness and disorder which came in the wake of the oil discovery in that area; and again, in 1929, ordered by Governor Dan Moody to Borger when the condition of lawlessness and disorder in that city made martial law imperative as viewed by our Governor; and

Whereas, On each of these occasions not only did Brigadier General Wolters restore law and order in these areas, but he employed such tact and diplomacy that peace and harmony prevailed and the citizenship thanked him; and

Whereas, Brigadier General Wolters is in civil life one of the outstanding attorneys of Texas, with a large and lucrative practice, which has suffered on the occasion of these tours of military service; now, therefore, be it

Resolved, That the House of Representatives, the Senate concurring, express the gratitude of the State of Texas for the excellent and patriotic service rendered by Brigadier General Wolters on the occasions enumerated above, and that the Chief Clerk of the House of Representatives send Brigadier

General Wolters a copy of this resolution; be it further

Resolved, That the Adjutant General of the State of Texas be hereby directed to designate and cause to be manufactured an appropriate gold medal, to be paid for from the general fund of that department, and to be presented to Brigadier General Wolters as an expression of the gratitude of this State for such faithful peace-time military service.

Signed—Hardy, Harman, Kennedy, Davis, Finlay, Conway, Mrs. Moore, Giles, Petsch, Ackerman, Pool, McDonald, Speck, Johnson of Dallam, Sherrill, Finn, Brooks, Gates, Enderby, Van Zandt, Harrison, Reid, Sinks, Baldwin, Holder, Avis, Quinn, Mankin, Harding, Sanders, Carpenter, Marks, Walters, Murphy, Mauritz, Mehl, Albritton, Tarwater, Bounds, Harper, Keeton, Johnson of Dimmit, Williams of Sabine, Richardson, Williams of Hardin, Olsen, Wiggs, DeWolfe, Farrar, Reader, Palmer, Graves of Williamson, Kayton, Hornaday, Adkins, McGill, Shaver, Beck, Barron, Young, Warwick, Bond, Veatch, Morse, McCombs, Dunlap, Barnett, West, Brice, Forbes, Pope of Nueces, Mullally, Acker, Rogers, Baker, Hines, Lee, Coltrin, Renfro, Johnson of Smith, Savage, Cox of Limestone, Kincaid, Justiss, Purl, Long of Houston, Bateman, Eickenroht, Gilbert, Stephens, Land, Patterson, Mrs. Negley, Rountree, Chastain, Shelton, Metcalfe, Cox of Lamar, Webb, Kemble, Keller, Hubbard, Johnson of Scurry, Jones, Storey, Hopkins, Hefley, Riley, Westbrook.

The resolution was read second time and was adopted.

COMMITTEE TO INVESTIGATE THE TRAVIS COUNTY COURT- HOUSE LEASE.

The Speaker announced the appointment of the following committee, in compliance with House concurrent resolution No. 2:

Messrs. Giles, Metcalfe, Sinks and Tarwater.

ADJOURNMENT.

On motion of Mr. Holder, the House, at 12 o'clock m., adjourned until 10 o'clock a. m. tomorrow.

SIXTH DAY.

(Tuesday, January 28, 1930.)

The House met at 10 o'clock a. m.,

pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called, and the following members were present:

Mr. Speaker.	Land.
Acker.	Lee.
Ackerman.	Long of Houston.
Adkins.	Long of Wichita.
Allred.	Loy.
Baker.	Magee.
Baldwin.	Mankin.
Barnett.	Marks.
Bateman.	Mauritz.
Beck.	Maynard.
Bond.	McCombs.
Bounds.	McDonald.
Bradley.	McGill.
Brice.	Mehl.
Brooks.	Metcalfe.
Carpenter.	Minor.
Chastain.	Moore.
Coltrin.	Morse.
Conway.	Mullally.
Cox of Lamar.	Murphy.
Cox of Limestone.	Negley.
Davis.	Olsen.
DeWolfe.	O'Neill.
Dunlap.	Palmer.
Enderby.	Patterson.
Eickenroht.	Pavlica.
Farrar.	Petsch.
Forbes.	Pool.
Fuchs.	Pope of Nueces.
Gates.	Prendergast.
Gilbert.	Purl.
Giles.	Quinn.
Graves	Ray.
of Williamson.	Reader.
Graves of Erath.	Reid.
Hardy.	Renfro.
Harding.	Richardson.
Harman.	Riley.
Harper.	Rogers.
Harrison.	Rountree.
Heaton.	Sanders.
Hines.	Savage.
Hogg.	Shaver.
Holder.	Sherrill.
Hopkins.	Simmons.
Hubbard.	Sinks.
Johnson	Stephens.
of Dallam.	Stevenson.
Johnson	Storey.
of Dimmit.	Tarwater.
Johnson of Smith.	Turner.
Johnson of Scurry.	Van Zandt.
Jones.	Veatch.
Justiss.	Waddell.
Kayton.	Wallace.
Keeton.	Walters.
Keller.	Warwick.
Kemble.	Webb.
Kennedy.	Wiggs.
Kincaid.	Williams
King.	of Sabine.